

From: Swack, David
Sent: Thursday, March 09, 2017 3:28 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Cc: Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: RE: DOJ

(b) (5)



From: Starfield, Lawrence
Sent: Friday, March 03, 2017 5:31 PM
To: Swack, David <Swack.David@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Cc: Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: DOJ

(b) (5)



This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender.
Thank you.

Funds provided to DOJ for CERCLA Enforcement

(Funding reflects Operating Plan decisions)

FY 1995	\$33,753	FY 2006	\$26,056
FY 1996	\$30,100	FY 2007	\$26,056
FY 1997	\$30,000	FY 2008	\$25,594
FY 1998	\$29,667	FY 2009	\$25,622
FY 1999	\$28,664	FY 2010	\$25,600
FY 2000	\$28,663	FY 2011	\$25,550
FY 2001	\$28,437	FY 2012	\$24,550
FY 2002	\$28,150	FY 2013	\$23,050
FY 2003	\$27,967	FY 2014	\$23,050
FY 2004	\$27,984	FY 2015	\$21,430
FY 2005	\$26,933	FY 2016	\$20,145

From: Swack, David
Sent: Wednesday, March 29, 2017 11:07 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Badalamente, Mark <Badalamente.Mark@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>
Subject: DOJ History (OSRE Response)

(b) (5)



DOJ Funding

History

- In 1977, EPA and DOJ established a Memorandum of Understanding (MOU), to promote the efficient and effective handling of civil litigation. It was signed by then Attorney General Griffin Bell and then EPA Administrator Douglas Castle. The transfer of money from EPA to DOJ was not addressed. The MOU has never been updated.
- Executive Order 12580, Section 9 (1987), directs the EPA Administrator to transfer such amounts from the Hazardous Substance Response Trust Fund as the Administrator deems necessary, to other agencies, to carry out the purposes of CERCLA. This affords the Administrator the authority to determine and transfer from Superfund amounts needed by participating agencies to conduct their activities.
- In 1987, under the statutory authority of the Economy Act, 31 U.S.C. 1535, EPA (OSWER) began transferring appropriated funds to Department of Justice through an interagency agreement (IAG). OE/OECA assumed the responsibility of transferring money to DOJ in 1995. Early on, Congress sometimes identified, in appropriations report language, the specific amount to be transferred to DOJ. Congress has not done so over the past ~ 10 years. Accordingly, in the absence of such language, EPA determines, in its discretion, what funds to provide to DOJ.

Statement of Work (SOW)

- The work to be performed by DOJ is captured in a Statement of Work (SOW). The SOW describes the legal assistance DOJ will provide EPA on cases and matters under CERCLA and sets forth the expectations of the parties relating to timelines, reports, accounting and invoicing procedures. The SOW does not address funding levels. EPA-OSRE and DOJ-ENRD negotiate the terms of the SOW. The current SOW has a project period of 10/01/2010 to 9/30/2017. We are currently working with DOJ to modify the new seven-year SOW for 2018-2025.
- History of funding (amounts per year in table form from 2000 or so to present)

Funds provided to DOJ for CERCLA Enforcement (Funding reflects Operating Plan decisions)			
FY 2000	\$28,663	FY 2008	\$25,594
FY 2001	\$28,437	FY 2009	\$25,622
FY 2002	\$28,150	FY 2010	\$25,600
FY 2003	\$27,967	FY 2011	\$25,550
FY 2004	\$27,984	FY 2012	\$24,550
FY 2005	\$26,933	FY 2013	\$23,050
FY 2006	\$26,056	FY 2015	\$21,430
FY 2007	\$26,056	FY 2016	\$20,145

- History of EPA/OLEM funding to other Agencies

There are other OLEM funding arrangements with federal agencies (e.g., USACE, NOAA, USFW, DOE) for specific technical assistance work. However, none of them appear to be instructive to this issue.

Swack, David

From: Swack, David
Sent: Tuesday, June 27, 2017 2:42 PM
To: Mackey, Cyndy
Cc: Pointer, Shereta; DeLeon, Rafael
Subject: RE: HAC QFRs- assignments and process - noon Friday deadline
Attachments: image2018-06-28-144606.pdf

Attached is the budget narrative for Superfund Enforcement. We've started responses on the two questions we reached out to Shereta on earlier (using language from the budget narrative).

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

(b) (5)



McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

(b) (5)



From: Mackey, Cyndy
Sent: Tuesday, June 27, 2017 2:33 PM
To: Swack, David <Swack.David@epa.gov>
Cc: Pointer, Shereta <Pointer.Shereta@epa.gov>; DeLeon, Rafael <DeLeon.Rafael@epa.gov>
Subject: RE: HAC QFRs- assignments and process - noon Friday deadline

David

Any chance you can share the budget narrative with us? We would like the answer on the budget impact on enforcement to be consistent with the budget narrative statement on impacts. Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
202 591-6184 (Office Cell)